House Bill 1195 (AS PASSED HOUSE AND SENATE)

By: Representatives Willard of the 49th, Tumlin of the 38th, Wilkinson of the 52nd, Geisinger of the 48th, Lindsey of the 54th, and others

A BILL TO BE ENTITLED

AN ACT

1   To amend Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to the

2   "Georgia Civil Practice Act," so as to require complaints to be accompanied in filing with

3   the civil case filing form; to require judgments to be accompanied in filing with the civil case

4   disposition form; to change certain provisions relating to commencement of actions; to

5   provide for amended civil case filing forms; to change certain provisions relating to entry of

6   judgment; to provide for confidential settlement agreements being excluded on civil case

7   disposition forms; to provide for related matters; to provide for an effective date and

8   applicability; to repeal conflicting laws; and for other purposes.

9   BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10   **SECTION 1.**

11   Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to the "Georgia

12   Civil Practice Act," is amended by striking Code Section 9-11-3, relating to commencement

13   of actions, and inserting in lieu thereof the following:

14   "9-11-3.

15   (a) A civil action is commenced by filing a complaint with the court.

16   (b) At the time of filing the complaint for a civil action in superior court or state court, ~~or~~

17   ~~as soon as practicable thereafter,~~ the plaintiff shall file the appropriate civil case filing form

18   with the clerk of the court. The form shall <u>contain complete information and shall</u> be

19   substantially in the form prescribed in Code Section 9-11-133. The filing of the complaint

20   shall not be delayed for the filing of the case filing form. <u>If, after a civil action has been</u>

21   <u>filed, the court presiding over the civil action decides that the civil case filing form has not</u>

22   <u>been filed or has been filed incorrectly, the court shall require the plaintiff to file the civil</u>

23   <u>case filing form or an amended form. In no case shall the failure to accurately complete</u>

1   the civil case filing form required by this Code section provide a basis to dismiss a civil

2   action."

3   **SECTION 2.**

4   Said chapter is further amended by striking subsection (b) of Code Section 9-11-58, relating

5   to the entry of judgment and filing of the civil case disposition form, and inserting in lieu

6   thereof the following:

7   "(b) *When judgment entered.* The filing with the clerk of a judgment, signed by the judge,

8   with the fully completed civil case disposition form constitutes the entry of the judgment,

9   and, unless the court otherwise directs, no judgment shall be effective for any purpose until

10 the entry of the same, as provided in this subsection. As part At the time of the filing of

11 the final judgment, a civil case disposition form shall be filed by the prevailing party or by

12 the plaintiff if the case is settled, dismissed, or otherwise disposed of without a prevailing

13 party; provided, however, that the amount of a sealed or otherwise confidential settlement

14 agreement shall not be disclosed on the civil case disposition form. The form shall be

15 substantially in the form prescribed in Code Section 9-11-133. If any of the information

16 required by the form is sealed by the court, the form shall state that fact and the information

17 under seal shall not be provided. The entry of the judgment shall not be made by the clerk

18 of the court until the civil case disposition form is filed. The entry of the judgment shall

19 not be delayed for the taxing of costs. This subsection shall not apply to actions brought

20 pursuant to OCGA Sections 44-7-50 - 44-7-59 or the filing of the case disposition form."

21   **SECTION 3.**

22 This Act shall become effective on July 1, 2006, and shall apply to actions and judgments

23 filed on or after July 1, 2006.

24   **SECTION 4.**

25 All laws and parts of laws in conflict with this Act are repealed.